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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN MIGUEL CASTANEDA,

Defendant.

CASE NO. 1:24-CR-26-NODJ-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

This case is set for a preliminary hearing on January 30, 2024. The parties agree and stipulate to vacate the preliminary hearing and schedule a change of plea on February 20, 2024.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a preliminary hearing on January 30, 2024.
2. By this stipulation, defendant now moves to vacate the preliminary hearing, schedule a change of plea for February 20, 2024. and to exclude time between January 30, 2024, and February 20, 2024.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The parties have reached a plea agreement in this case and are requesting the earliest available date for a change of plea, on February 20, 2024. During this time, the parties

1 will discuss and conduct further investigation into pre-indictment matters.

2 b) Counsel for defendant desires additional time to consult with his client and
3 conduct further investigation prior to the change of plea.

4 c) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny him the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.

7 d) Pursuant to F.R.Cr.P. 5.1(c) and (d), a preliminary hearing must be held “no later
8 than 14 days after initial appearance if the defendant is in custody,” unless the defendant
9 consents and there is a “showing of good cause.” Here, the defendant consents and there is good
10 cause as set forth herein.

11 e) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in an indictment or trial
13 within the original dates prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which an indictment must be filed and within which a trial must commence, the
16 time period of January 30, 2024 to February 20, 2024., inclusive, is deemed excludable pursuant
17 to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at
18 defendant’s request on the basis of the Court’s finding that the ends of justice served by taking
19 such action outweigh the best interest of the public and the defendant in a speedy
20 indictment/trial.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which an
23 indictment must be filed and a trial must commence.

24 IT IS SO STIPULATED.

25 Dated: January 29, 2024

PHILLIP A. TALBERT
United States Attorney

26
27 /s/ ARIN C HEINZ
28 ARIN C HEINZ
Assistant United States Attorney

1 Dated: January 29, 2024

/s/ KEVIN ROONEY

KEVIN ROONEY

Counsel for Defendant

JUAN MIGUEL CASTANEDA

4 **FINDINGS AND ORDER**

5 The COURT HEREBY ORDERS:

6 1) The preliminary hearing date of January 31, 2024, is vacated. The change of plea hearing will
7 be scheduled on February 20, 2024, at 8:30 a.m. before a District Judge.

8 2) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
9 within which an indictment must be filed and within which a trial must commence, the time period of
10 January 30, 2024 to February 20, 2024., inclusive, is deemed excludable pursuant to 18 U.S.C. §
11 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request
12 on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best
13 interest of the public and the defendant in a speedy indictment/trial.

14
15 IT IS SO ORDERED.

16 Dated: January 29, 2024

/s/ *Barbara A. McAuliffe*

UNITED STATES MAGISTRATE JUDGE